

DT05 Rec'd PCT/PTO

19 JUL 2002

PATENT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

OLIVER HAROLD VOGT, ET AL.

CASE NO.: DC3131

SERIAL NO.: 09/807,257

GROUP ART UNIT: UNKNOWN

FILED: APRIL 9, 2001

EXAMINER: UNKNOWN

TECH CENTER 1600/2900

DEC 05 2002

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FOR: EASILY HEAT SEALABLE NYLON FILM

PETITION TO WITHDRAW THE HOLDING OF  
ABANDONMENT PURSUANT TO 37 CFR 1.181  
FOR FAILURE TO RECEIVE NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice of Abandonment mailed on May 31, 2002, with respect to the above-identified application, Applicants are hereby petitioning to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

As the DuPont practitioner responsible for Patricia Kelly's docket as of January 22, 2001, including the subject application and at the same address as Patricia Kelly, I respectfully state that I did not receive the Notice to File Missing Parts which I understand was mailed by the Office on May 4, 2001. A search of the front page of the file jacket (copy attached as Exhibit 1) and computer docket records supports Applicants' position that the Notice to File Missing Parts was not received. Copies of two types of computer docket records are attached. The first computer docket record (Exhibit 2) is a copy of a computer print out of the computer docketing entries for the above-referenced patent application. The second computer docket record (Exhibit 3) is an Attorney Action Docket for the months of May through August, 2001, for the undersigned practitioner.

The procedures and controls utilized by the practitioner to docket incoming PTO correspondence include having a docket clerk input the appropriate due date listed on the Notice to File Missing Parts into the computerized docketing system. Exhibit 2 shows that no entry was made for a reply to the

Notice to File Missing Parts. The Attorney Action Docket is generated monthly for each practitioner and lists action due items for which the practitioner is responsible. As my Attorney Action Docket (Exhibit 3) for the months of May through August, 2001, also indicate, there is no due date listed for the above-identified application with the designation "NMR" for Notification of Missing Requirements. Exhibit 1, the copy of the file jacket on which documents relating to the application are recorded, also does not show any entry for the Notice to File Missing Parts. These docket records show where the Notice to File Missing Parts and a reply due date would have been entered had it been received. Neither the Notice to File Missing Parts for the above-identified application nor the due date for a reply is shown on any of these documents.


Applicants, therefore, respectfully petition the Commissioner to withdraw the holding of abandonment pursuant to his authority under 37 CFR 1.181. This form of relief under various factual circumstances has been recognized since the decision in Delgar Inc. v. Schuyler, 172 USPQ 513 (D.D.C. 1971) as modified by the Office in 1156 O.G. 53, November 16, 1993, and as delineated in the MPEP §711.03(c). Applicants look forward to notice of withdrawal of the holding of abandonment and the mailing of a new Notice to File Missing Parts resetting the time period for filing of a reply.

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In the event this petition is denied, Applicants alternatively petition to revive pursuant to 37 CFR 1.137(a) under the facts as presented above which clearly show that the delay was unavoidable. The petition fee necessary to comply with 37 CFR 1.137(a)(2) as set forth in 1.17(1) may be withdrawn from Deposit Account 04-1928 at the appropriate time, if necessary.

Respectfully submitted,



ROBERT B. STEVENSON

ATTORNEY FOR APPLICANTS

REGISTRATION NO. 26,039

TELEPHONE: 302-992-6824

FACSIMILE: 302-992-3257

Dated: July 12, 2002



E.I. du Pont de Nemours and Company

LEGAL DEPARTMENT

PATENT DIVISION

## U.S. PATENT APPLICATION

US PCT

Duplicate file - van Zant  
Prosecuting - File # PM-PUS73

ATTORNEY

Reilly, Patricia

REGISTRATION NO.

39 247

INVENTOR(S)

Vogt, et al.

INVENTOR(S)  
(name in full)Oliver Harold VogtMario LutterottiNatasha Naronha

TITLE

Easily Heat Sealable Nylon Film

APPL. NO.

FILING DATE

09 April

## ASSIGNMENT

DATE OF ASSIGNMENT

E.I. du Pont de Nemours and Company

ASSIGNEE

DuPont Canada Inc.

RECORDED

19

REEL

FRAME

## PROSECUTION PAPERS

DATE	PAPER

DATE	PAPER

 CASE NO. DC 3131  
 COUNTRY: United States of America  
 Duplicate File - Van Zant prosecuting  
 (File # PM-PUS73)

CASE NO.

DC 3131

US PCT

ALLOWANCE DATE

FINAL FEE MAILING DATE

ABANDONMENT DATE

PATENT NO.

ISSUE DATE



Docketing system (DC3131-U. S. A.-PCT Application) [2/3]

List

Input date	Event	Nature	Deadline	Performed	Acknowledged	Amount
05/21/2001	Filed	09/807257		04/09/2001		
06/17/2002	Abandoned			05/04/2001		
06/29/2002	Archive File		05/04/2007			

Main Workflow

Input date [06/17/2002] Event [ ]

Nature [ ] Deadline [ ] Performed [05/04/2001] Acknowledgment [ ]

Time Executive [ ] Working time [ ] X Invoice method [ ]

Cost Information

Direction [ ] Currency [ ]

Amount (local) [ ] Amount [ ]

Comments

LETTER FROM PTO 5/31/02 CASE ABANDON DID NOT RECEIVE MISSING PARTS LETTER

**AGENDA FOR ROBERT B. STEVENSON**

Period from 05/01/2001 to 08/31/2001

File	Event	Deadline	Performed
AD6372/WO/PCT1	Miscellaneous	05/01/2001	04/05/2001
<i>Comments:</i> Respond to Invitation to Correct Defects - pages 6, 17, drawings. Originally due 4/1/01, but requested one-month extension of time. <i>Details:</i> Attorney: RBS Filing Number: PCT/US01/03036			
AD6623/US/NA	Non-Final Office Action 3 mo (US)	05/01/2001	07/16/2001
<i>Details:</i> Attorney: RBS Filing Number: 09/602311			
AD5651/BR/PCT	Request for Examination	05/05/2001	05/05/2001
<i>Details:</i> Attorney: RBS Filing Number: PI9007362.2			
AD6561/US/NA	Status Request	05/08/2001	
<i>Details:</i> Attorney: RBS Filing Number: 09/435792			
AD6561/WO/PCT	Demand Instructions to PRC	05/08/2001	05/22/2001
<i>Details:</i> Attorney: RBS Filing Number: PCT/US00/30540			
AD6646/WO/PCT	National phase - Chapt. 1 Deadline	05/08/2001	
<i>Details:</i> Attorney: RBS Filing Number: PCT/US00/24675			
AD6148/CA/PCT	Request for Examination	05/11/2001	
<i>Comments:</i> Do not request examination per Patent Team 3/19/2001 meeting. <i>Details:</i> Attorney: RBS Filing Number: 2162851			
AD6561/US/NA	Final Office Action 3 mo (US)	05/12/2001	08/10/2001
<i>Comments:</i> with Petition for Extension of Time, Notice of Appeal <i>Details:</i> Attorney: RBS Filing Number: 09/435792			
DC3119/US/NA	Final Office Action 3 mo (US)	05/13/2001	
<i>Comments:</i> Submitted Petition for Extension of Time and Request for Continued Examination 8/13/01. <i>Details:</i> Attorney: RBS Filing Number: 09/038923			
DC3129/WO/PCT	National phase - Chapt. 2 Deadline	05/16/2001	05/16/2001
<i>Comments:</i> Joan Van Zant handling - entered Chapter II date to so it will not appear on completed 2 field not filled in report. J. Clark <i>Details:</i> Attorney: RBS Filing Number: PCT/CA99/01089			
AD6752/US/PRV	Provisional Conversion Reminder	05/19/2001	09/18/2001
<i>Details:</i> Attorney: RBS Filing Number: 60/233749			
AD6566/US/CIP	Non-Final Office Action 3 mo (US)	05/26/2001	07/10/2001
<i>Details:</i> Attorney: RBS Filing Number: 09/592497			
AD6717/US/NA	Information Disclosure Statement	06/05/2001	05/10/2001
<i>Details:</i> Attorney: RBS Filing Number: 09/799442			
AD6717/US/NA	Missing Parts Due	06/05/2001	06/29/2001
<i>Comments:</i> with Extension of Time. <i>Details:</i> Attorney: RBS Filing Number: 09/799442			

**AGENDA FOR ROBERT B. STEVENSON**

Period from 05/01/2001 to 08/31/2001

File	Event	Deadline	Performed
AD6561/WO/PCT	Demand Deadline	06/08/2001	05/23/2001
<i>Details:</i> Attorney: RBS Filing Number: PCT/US00/30540			
AD6515/TW/NA	Response to Agent	06/11/2001	
<i>Comments:</i> Application for re-examination. (In absence of instructions, patent agent will apply for re-examination and request extension to 9/7/01 - agent then asking for instructions to them by 8/28/01. <i>Details:</i> Attorney: RBS Filing Number: 87110838			
AD6738/	Paris Convention Deadline	06/23/2001	
<i>Details:</i> Attorney: RBS			
AD6738/US/PRV	Provisional Conversion Deadline	06/23/2001	
<i>Details:</i> Attorney: RBS Filing Number: 60/213809			
AD6500/AU/PCT	Response to Agent	06/28/2001	08/24/2001
<i>Comments:</i> Agent wants instructions re application proceeding to acceptance by 6/28/2001. Normal date for acceptance expires 9/1/2001. Acceptance date may be extended a further nine months. <i>Details:</i> Attorney: RBS Filing Number: 69413/98			
AD6516/US/PCT	Foreign Filing Deadline	06/28/2001	
<i>Comments:</i> Not foreign filing from this US PCT case. Already foreign filed from PCT case. <i>Details:</i> Attorney: RBS Filing Number: 09/462971			
AD6515/CZ/PCT	Request for Examination	06/30/2001	
<i>Details:</i> Attorney: RBS Filing Number: PV4526-99			
AD6372/WO/PCT1	Instructions to PRC	07/01/2001	07/02/2001
<i>Comments:</i> PRC due date for Demand instructions to PRC. <i>Details:</i> Attorney: RBS Filing Number: PCT/US01/03036			
AD6515/US/PCT	Status Request	07/03/2001	
<i>Details:</i> Attorney: RBS Filing Number: 09/462227			
AD6561/WO/PCT	National phase - Chapt. 1 Deadline	07/08/2001	
<i>Comments:</i> Marie Matlack filed 3-15-02 <i>Details:</i> Attorney: RBS Filing Number: PCT/US00/30540			
AD6611/WO/PCT	Optional Article 19 Amendment Due [PCT]	07/08/2001	
<i>Details:</i> Attorney: RBS Filing Number: PCT/IB00/00617			
AD6728/US/NA	Information Disclosure Statement	07/12/2001	10/17/2001
<i>Details:</i> Attorney: RBS Filing Number: 09/833452			
AD6617/WO/PCT	Written Opinion Response Due	07/14/2001	07/16/2001
<i>Comments:</i> 6/13/01 faxed Petition for Extension of Time to respond to Written Opinion. Original due date was 6/14/01. <i>Details:</i> Attorney: RBS Filing Number: PCT/US00/15505			
AD6762/US/PRV	Provisional Conversion Reminder	07/16/2001	11/15/2001
<i>Details:</i> Attorney: RBS Filing Number: 60/249203			

**AGENDA FOR ROBERT B. STEVENSON**

Period from 05/01/2001 to 08/31/2001

File	Event	Deadline	Performed
AD6515/AU/PCT	Response to Agent	07/19/2001	07/18/2001
<i>Comments:</i> Response to Official Report due 1/19/2002, but agent wants response by 7/19/01. Agent handle response, but asking if we wish to make amendments to specification. <i>Details:</i> Attorney: RBS Filing Number: 82769/98			
AD6611/US/NA	Restriction Requirement Response Due	07/19/2001	07/17/2001
<i>Details:</i> Attorney: RBS Filing Number: 09/557358			
DC3126/US/NA	Notice of Appeal	07/19/2001	
<i>Details:</i> Attorney: RBS Filing Number: 09/135187			
DC3138/	Paris Convention Deadline	07/20/2001	
<i>Details:</i> Attorney: RBS			
DC3138/US/PRV	Provisional Conversion Deadline	07/20/2001	07/20/2001
<i>Details:</i> Attorney: RBS Filing Number: 60/219481			
AD6162/CA/NA	Request for Examination	07/21/2001	
<i>Comments:</i> Abandoned application as instructed at P&IP Patent Team Meeting of May 29, 2001. <i>Details:</i> Attorney: RBS Filing Number: 2128579			
AD6516/AU/PCT	Response to Agent	07/21/2001	08/24/2001
<i>Comments:</i> Response to Agent due by July 21, 2001. This is the first official action received in this case, dated 22 March 2001. <i>Details:</i> Attorney: RBS Filing Number: 85091/98			
AD6516/CZ/PCT	Request for Examination	07/23/2001	
<i>Comments:</i> Abandoned application as instructed at P&IP Legal Team Meeting of May 29, 2001. <i>Details:</i> Attorney: RBS Filing Number: PV271-00			
AD6611/WO/PCT	National Stage Instructions to PRC	07/30/2001	09/06/2001
<i>Comments:</i> Due date per yellow form. <i>Details:</i> Attorney: RBS Filing Number: PCT/IB00/00617			
AD6372/US/CIP2	Status Request	07/31/2001	
<i>Details:</i> Attorney: RBS Filing Number: 09/494354			
AD6372/WO/PCT1	Demand Instructions to PRC	07/31/2001	08/01/2001
<i>Comments:</i> MISPatents generated due date. <i>Details:</i> Attorney: RBS Filing Number: PCT/US01/03036			
DC3139/	Foreign Filing Instructions to PRC	08/01/2001	
<i>Details:</i> Attorney: RBS			
DC3139/US/PRV	Provisional Conversion Reminder	08/01/2001	
<i>Comments:</i> Letting go abandoned per Irene Wozny of Swabey Ogilvy Renault on 11/29/01. <i>Details:</i> Attorney: RBS Filing Number: 60/250166			
AD6728/US/NA	Missing Parts Due	08/04/2001	08/03/2001
<i>Details:</i> Attorney: RBS Filing Number: 09/833452			



**AGENDA FOR ROBERT B. STEVENSON**

Period from 05/01/2001 to 08/31/2001

File	Event	Deadline	Performed
AD6738/US/PRV1	Provisional Conversion Deadline	08/04/2001	08/03/2001
<i>Comments:</i> Filed AD6738 US NA 8/3/01. <i>Details:</i> Attorney: RBS Filing Number: 60/223041			
AD6623/WO/PCT	Written Opinion Response Due	08/11/2001	
<i>Comments:</i> Requested extension of time. <i>Details:</i> Attorney: RBS Filing Number: PCT/US00/17773			
AD6561/US/NA	Notice of Appeal	08/12/2001	08/10/2001
<i>Details:</i> Attorney: RBS Filing Number: 09/435792			
DC3119/US/NA	Notice of Appeal	08/13/2001	
<i>Comments:</i> Submitted Petition for Extension of Time and Request for Continued Examination 8/13/01. <i>Details:</i> Attorney: RBS Filing Number: 09/038923			
AD6501/AU/PCT	Response to Agent	08/15/2001	
<i>Details:</i> Attorney: RBS Filing Number: 72573/98			
AD6169/CA/PCT	Request for Examination	08/19/2001	
<i>Comments:</i> Abandoned application as instructed at P&IP Patent Team Meeting of May 29, 2001. <i>Details:</i> Attorney: RBS Filing Number: 2167381			
AD6169/JP/PCT	Request for Examination	08/19/2001	
<i>Comments:</i> Abandoned application as instructed at P&IP Patent Team Meeting of May 29, 2001. <i>Details:</i> Attorney: RBS Filing Number: 508132/95			
DC3126/AR/NA	Request for Examination	08/21/2001	
<i>Details:</i> Attorney: RBS Filing Number: P980104140			
AD6564/US/NA	Non-Final Office Action 3 mo (US)	08/23/2001	11/15/2001
<i>Comments:</i> with Petition for Extension of Time. <i>Details:</i> Attorney: RBS Filing Number: 09/375046			
AD6372/WO/PCT1	Optional Article 19 Amendment Due [PCT]	08/26/2001	
<i>Details:</i> Attorney: RBS Filing Number: PCT/US01/03036			
AD6515/TW/NA	Response to Agent	08/28/2001	08/13/2001
<i>Comments:</i> Instruct agent concerning re-examination brief. Agent needs to submit by 9/7/01 deadline. <i>Details:</i> Attorney: RBS Filing Number: 87110838			
AD6611/WO/PCT	National Stage Instructions to PRC	08/30/2001	09/06/2001
<i>Comments:</i> MISPatents generated due date. <i>Details:</i> Attorney: RBS Filing Number: PCT/IB00/00617			
AD6372/WO/PCT1	Demand Deadline	08/31/2001	08/01/2001
<i>Details:</i> Attorney: RBS Filing Number: PCT/US01/03036			



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/807,257	JUL 19 2002	Robert P Saltman	DC3131

Kelly Patricia L  
1007 Market Street  
Wilmington, DE 19898

CONFIRMATION NO. 4241

ABANDONMENT/TERMINATION  
LETTER

\*OC000000008217121\*

Date Mailed: 05/31/2002

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/04/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

DEC 05 2002

TECH CENTER 1600/2900



## Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

on July 12, 2002  
Date

*Jeanette Hancock*  
Signature

JEANETTE HANCOCK

Type or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

09/807,257

DC3131

Petition to Withdraw the Holding of Abandonment Pursuant to 37 CFR 1.181 for Failure to Receive Notice to File Missing Parts

Front page of file jacket

Computer docketing entries for DC3131

Computer Attorney Action Docket

Notice of Abandonment under 37 CFR 1.53 (f) or (g)

Postcard